

THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MASONRY INSTITUTE, BRICKLAYERS	)	
LOCAL 21 PENSION FUND, DISTRICT	)	
COUNCIL TRAINING CENTER FUND,	)	
AND BRICKLAYERS AND STONE	)	
MASONS OF ILLINOIS DISTRICT COUN-	)	
CIL NO. 1 B.A.C. ANNUITY TRUST FUND,	)	
	)	
Plaintiffs,	)	
v.	)	No. 08 C 1912
	)	
GATES OJEDA'S, INC., an Illinois Cor-	)	Judge Lefkow
poration,	)	
	)	Mag. Judge Cole
Defendant.	)	

**MOTION FOR HEARING ON CITATION TO DISCOVER ASSETS**

Now come the Plaintiffs, Masonry Institute, et al., by and through their Attorney, Robert B. Greenberg, and moves the Court for a hearing on Citation to Discover Assets, previously filed and served on the Defendant, and in support of its Motion, Plaintiffs state as follows:

1) Plaintiffs noticed Jose Ojeda, President of Gates Ojeda's, Inc., to appear before the Court on the 21<sup>st</sup> day of August 2008, at 9:30 A.M., in Room 1925, pursuant to Citation to Discover Assets.

2) Mr. Jose Ojeda was served with the Citation to Discover Assets on August 3, 2008. A copy of the Citation and service of Citation is attached hereto as Exhibit 1.

3) That Plaintiffs' Counsel appeared on the 21<sup>st</sup> day of August 2008, in Room 1925 at 9:30 A.M., and was advised that the Court was not sitting on that date.

4) No one appeared on behalf of the Defendant, Gates Ojeda's, Inc., in response to the Citation to Discover Assets.

WHEREFORE, Plaintiffs pray that the Court hear the Citation to Discover Assets, instantan.

/s/ Robert B. Greenberg  
Asher, Gittler, Greenfield & D'Alba, Ltd.  
200 West Jackson Boulevard  
Suite 1900  
Chicago, Illinois 60606  
(312) 263-1500  
IL ARDC#: 01047558

Dated: September 5, 2008

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	)	Mag. Judge Cole
Defendant.	)	

CITATION TO DISCOVER ASSETS

TO: Jose Ojeda, President  
Gates Ojeda's, Inc.  
4604 South Wolcott  
Chicago, IL 60609

YOU ARE COMMANDED to appear before the Honorable Judge Lefkow, in the United States District Court, 219 South Dearborn Street, Chicago, Illinois, on the 21<sup>st</sup> day of August 2008, at 9:30 a.m., Room 1925, to answer under oath such questions as may be put to you concerning the personal property of the above named Defendant, and to abide further order of the Court. Judgment was entered on June 3, 2008, for \$42,058.08, and \$42,058.08 remains unsatisfied.

YOU ARE COMMANDED to produce at the examination: the documents on the **List of Documents For Debtor Examination**, attached hereto.

YOU ARE PROHIBITED from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which it may be entitled or which may be acquired by or

become due to it and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to it, until the further order of Court or termination of the proceedings. You are not required to withhold the payment of any money beyond double the amount of the judgment.

YOUR FAILURE TO COMPLY WITH THIS CITATION MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT OR TO A JUDGMENT FOR THE AMOUNT UNPAID.

Witness: \_\_\_\_\_

the Clerk of our said Court, and the seal thereof, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008.

MICHAEL W. DOBBINS

\_\_\_\_\_  
Clerk

By: \_\_\_\_\_

*Jannette Nunez*  
Deputy Clerk

*7-18-08*  
Date

ROBERT B. GREENBERG  
ASHER, GITTLER, GREENFIELD & D'ALBA, LTD.  
200 West Jackson Boulevard  
Suite 1900  
Chicago, Illinois 60606  
(312) 263-1500  
IL ARDC#: 01047558

### LIST OF DOCUMENTS FOR DEBTOR EXAMINATION

1. All pass books, check books and bank statements, including proof of safety deposit boxes, money market accounts, certificates of deposit, treasury bills including all such accounts in which your interest is direct, indirect, legal or beneficial;
2. All deeds, bills of sale, documents which evidence or reflect the judgment debtor's ownership of real or personal property, leaseholds, and similar documents evidencing assets and the value thereof including but not limited to mortgages on property, commercial paper, judgments, antiques, art, stamp or coin collections;
3. All stock certificates or other evidence of ownership of securities, bonds and like interests jointly or individually owned by the judgment debtor;
4. All books, records, papers in your possession and control which may contain information concerning property or income of, or indebtedness due judgment debtor, including but not limited to job files and records of account receivable;
5. Federal and State income tax returns and corresponding schedules filed by the judgment debtor for the year 2005, 2006 and 2007.
6. All certificates of title to automobiles, trucks, trailers and other vehicles including boats, motor homes and accessories owned individually or jointly owned by the judgment debtor;
7. All documents which show direct or indirect interest in insurance policies, including names of insurance companies issuing each policy and an itemization of surrender of cash value of each in which the judgment debtor, or any of its individual owners or operators had or has an interest;
8. An inventory of personal property owned individually or jointly owned by the judgment debtor;
9. All Financial accounting reports, and reports filed by the judgment debtor, with the Secretary of State's office or any other governmental entity. Include financial statements prepared by defendants within the last five years in connection with their attempts to procure any loans or financing;
10. All canceled checks in any checking accounts and bank statements for the years 2004, 2005, 2006 and 2007, in which the judgment debtor has or had an interest;
11. All documents establishing defendants' sources of income;
12. All lease documents entered into between defendants and any other third party;
13. All documents showing loans the corporation obtained from any institutions or individuals including family members and insurance companies;
14. All documents which establish that you are a co-maker, endorser or guarantor of any loan made to the judgment debtor;
15. All documents establishing purchases the corporation made on an installment basis;
16. All documents which establish the existence of property at which you own an interest in which the judgment debtor owns an interest held by a third party;
17. A list of all contracts, written or unwritten for work to be performed by the judgment debtor (date), including estimates for work to be done.



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No. 08 C 1912

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Mag. Judge Cole

**AFFIDAVIT OF SERVICE**

I, MICHAEL P. FEEHAN

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001292 STERN PROCESS & INVESTIGATION LLC 205 W. RANDOLPH ST. CHICAGO IL 60606

**CORPORATE SERVICE**

THAT I SERVED THE WITHIN CITATION TO DISCOVER ASSETS  
ON THE WITHIN NAMED DEFENDANT GATES OJEDA'S, INC  
PERSON SERVED JOSE OJEDA, PRESIDENT  
BY LEAVING A COPY OF EACH WITH THE SAID DEFENDANT ON 8/3/08

That the sex, race and approximate age of the person whom I left the CITATION TO DISCOVER ASSETS  
are as follow:

Sex	MALE	Race	HISPANIC	Age	44
Height	6'0"	Build	THIN	Hair	BROWN

LOCATION OF SERVICE **13758 S PORTAGE COURT**  
**PLAINFIELD, IL, 60544**

Date Of Service 8/3/08

Time of Service 11:20 AM

  
MICHAEL P. FEEHAN

8/4/2008

Special Process Server

P.E.R.C. #129-157466

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.